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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,803	07/27/2001	Jonathan Thomas	12485-02/NEC	2158

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EXAMINER

POLLACK, MELVIN H

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/916,803	Applicant(s) THOMAS ET AL.	
	Examiner Melvin H Pollack	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Online Alcoholic Beverage Sales License Verification System.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 3 is functionally equivalent to part of parent claim 1 and adds no new limitations. Hence, the claim does not further limit the parent claim. The office considers redundancy to be inherently indefinite. Therefore, claim 3 should be cancelled or amended.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breen, Jr., et al. (6,598,027) in view of Dahlen (6,567,411).

Art Unit: 2145

7. For claim 1, Breen teaches a method (abstract) for verifying information (col. 1, line 10 – col. 3, line 10), the method comprising:

- a. Collecting information (Fig. 1) to be verified from a plurality of different sources (col. 9, lines 45-65; col. 10, lines 15-35);
- b. Storing the modified information in a common database (col. 6, lines 50-65; col. 7, line 20 – col. 8, line 55); and
- c. Providing the stored information (col. 12, lines 9-40).

8. Breen does not expressly disclose the process of gathering information from third-party web sites, and as such does not expressly disclose at least two of the sources providing the information in formats which differ from one another, or modifying the collected information to conform to a common format. Dahlen teaches a method (abstract) of collecting information of any type from a variety of third-party servers (col. 1, line 5 – col. 3, line 47) in which conversion programs are used to change various data into common formats (col. 5, lines 25-35; col. 6, lines 20-35). At the time the invention was made, one of ordinary skill in the art would have added Dahlen's third-party information gathering system in Breen in order to implement the third-party information gathering mentioned above and to allow for better presentation methods (col. 2, lines 42-44).

9. For claim 2, Breen does not expressly disclose that the information facilitates verification of the validity of an alcoholic beverage license. Breen teaches that the system may be used to facilitate the buying and selling of regulated goods, i.e. agricultural chemicals (col. 1, line 40 – col. 2, line 30), including checking for licenses to allow buying and selling of said regulated good. Examiner takes Official Notice (see MPEP § 2144.03) that “alcoholic beverages are a

Art Unit: 2145

regulated good, with required licenses" was well known in the art at the time the invention was made. At the time the invention was made, one of ordinary skill in the art would have used the Breen system to sell multiple types of regulated goods in order to allow sales of a wider variety of items.

10. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

11. Claim 3 is drawn to the limitations in claim 1. Therefore, since claim 1 is rejected, claim 3 is also rejected for the reasons above. The examiner suggests that applicant cancel or amend this claim.

12. For claim 4, Breen teaches that the information is collected from a plurality of different sources within at least one of a federal government agency, a state government agency, and a city government agency (col. 9, lines 50-57).

Art Unit: 2145

13. For claim 5, Breen does not expressly disclose that an application is used to conform a format of the information to a single format suitable for a common database. Dahlen teaches this limitation (col. 7, lines 1-15; Java applications). At the time the invention was made, one of ordinary skill in the art would have added Dahlen's third-party information gathering system in Breen in order to implement the third-party information gathering mentioned above and to allow for better presentation methods (col. 2, lines 42-44).

14. For claim 6, Breen does not expressly disclose that a first application is used to select which one of a plurality of second applications to use to conform the information to a common format. Dahlen teaches this limitation (col. 8, lines 10-20; see claim 7 below). At the time the invention was made, one of ordinary skill in the art would have added Dahlen's third-party information gathering system in Breen in order to implement the third-party information gathering mentioned above and to allow for better presentation methods (col. 2, lines 42-44).

15. For claim 7, Dahlen teaches that a first application is used to select which one of a plurality of second applications to use to conform the information to a common format (col. 8, lines 10-20), the first application basing the selection upon a format of the collected information and the selected second application configured to modify the format of the collected information so as to conform to the common format (Fig. 4 in view of Fig. 8). The alarm converter, report converter, and data converter are separate, and must be selected at different times (col. 9, lines 1 – 25). Breen does not expressly disclose these limitations. At the time the invention was made, one of ordinary skill in the art would have added Dahlen's third-party information gathering system in Breen in order to implement the third-party information gathering mentioned above and to allow for better presentation methods (col. 2, lines 42-44).

Art Unit: 2145

16. For claim 8, Breen teaches that the stored information is provided via a network (col. 9, lines 1-10).
17. For claim 9, Breen teaches that the stored information is provided via the Internet (Fig. 1, #20).
18. For claim 11, Breen teaches that the stored information is provided via a dedicated connection (col. 9, line 9).
19. For claim 12, Breen teaches that the stored information is provided via a leased telephone line (col. 9, line 10).
20. For claim 13, Breen teaches displaying the provided information (Fig. 18D).
21. For claim 14, Breen teaches displaying the provided information via a web browser (col. 8, lines 55-65).
22. For claim 15, Breen teaches displaying the provided information via an executable program (col. 8, lines 55-65).
23. For claim 16, Breen teaches requesting verification of the information (col. 8, lines 45-55).
24. For claim 17, Breen teaches requesting verification of a single unit of information (col. 18, lines 10-15).
25. For claim 18, Breen teaches requesting verification of a plurality of units of information according to a bulk processing procedure (col. 19, lines 10-15).
26. Claim 19 is drawn to the limitations in claims 1-5 and 8. Therefore, since claims 1-5 and 8 are rejected, claim 19 is also rejected for the reasons above.

Art Unit: 2145

27. Claims 20-22 are drawn to a hardware system that implements the method drawn in claims 1, 8, and 11, respectively. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 1, 8, and 11 are rejected, claims 20-22 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

28. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breen and Dahlen as applied to claim 1 above, and further in view of Gonda et al. (6,662,211).

29. For claim 10, Breen does not expressly disclose that the stored information is provided via a virtual private network. Dahlen teaches the usage of any network type, including Intranets, but does not expressly disclose VPN as well. Gonda teaches a method (abstract) of providing information over VPN (col. 1, line 15 – col. 3, line 10). At the time the invention was made, one of ordinary skill in the art would have used a VPN in Breene in order to provide security (col. 1, lines 30-40).

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

Art Unit: 2145

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP

20 December 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER